

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ZELYIA M. CALDWELL and,)
MARCIA Y. MCMAHAN, on behalf of a Minor,)
X.E.C.,)
)
Plaintiffs)
)
v.)
)
KNOX COUNTY BOARD OF EDUCATION,)
Et al.,)
Defendants.)
)
No. 3:13-CV-552
(COLLIER/GUYTON)

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is the Plaintiffs' Motion to Amend Summon for Service [Doc. 23], filed on November 21, 2013. The Plaintiffs requests to amend the summons for service upon the U.S. Department of Education, a named defendant in this case. The Plaintiffs submit that after they attempted to serve said Defendant, they realized that service was improper under Federal Rule of Civil Procedure 4(i)(1). The Plaintiffs state that an amended summons and copy of the complaint were in the process of being delivered to the U.S. Attorney's Office within this district.

The Court observes that the amended summons has in fact been served upon said Defendant, and the summons was returned executed on November 25, 2013. [Docs. 24]. As a

result, the Court finds the instant motion requires no further action by the Court. Accordingly, the Plaintiffs' Motion to Amend Summons for Service [**Doc. 23**] is **DENIED as moot**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge